

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNI-CON FLOORS, INC.
Plaintiff,

v.

BRICKLAYERS & ALLIED CRAFTSMEN
UNION, LOCAL 3 – EASTERN
MASSACHUSETTS
Defendant.

C.A. No.: 05-10463 NG

SECOND AFFIDAVIT OF MICHAEL A. FEINBERG, ESQ.

Michael A. Feinberg, Esq., deposes and states as follows:

1. My name is Michael A. Feinberg. I am senior partner in the law firm of Feinberg, Campbell & Zack, P.C., and I am one of the attorneys for Defendant Bricklayers and Allied Craftsmen Local 3, Eastern Massachusetts.
2. My office never received a facsimile from Attorney David Fleury's office on January 25, 2005, requesting a postponement of the arbitration hearing scheduled for that same day.
3. Prior to receiving Plaintiff's Opposition to Defendant's Motion for Summary Judgment, I had never previously seen the document included as Exhibit D and attached to Attorney Fleury's affidavit.

SIGNED UNDER THE PENALTIES OF PERJURY THIS 18th DAY OF
JANUARY, 2006.


Michael A. Feinberg, Esq.